

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AURORA COOPERATIVE ELEVATOR
COMPANY,

Plaintiff,

vs.

AVENTINE RENEWABLE ENERGY -
AURORA WEST, LLC, AVENTINE
RENEWABLE ENERGY HOLDINGS,
INC.,

Defendants.

4:12CV230

MEMORANDUM AND ORDER

To implement the court's order entered on March 10, 2014, (Filing No. 147), which remains in full force and effect:

1) The plaintiff is authorized to conduct informal interviews of the following individuals:

- a. John Castle (Former President, CEO, and CFO of Aventine).
- b. Brian Pasbrig (Former Aventine Plant Manager for the Aurora West Ethanol Plant).
- c. Chris Nichols (Current Aventine General Counsel).

2) The defendants are authorized to conduct informal interviews of the following individuals.

- a. George Hohwieler (Plaintiff's President and CEO).
- b. Robert Brown (Plaintiff's CFO).
- c. Chad Carlson (Plaintiff's Vice President of Grain).

3) At least ten (10) days prior to the informal interviews, the opposing party shall provide a list of topics to be discussed during the interview.

4) The interviews are limited to identifying the existence, location, source, and custodians of all information relevant to the “first discovery stage,” as defined in the court’s prior order, (Filing No. 147).

5) The informal interviews shall not be recorded.

6) Videoconferencing will sufficiently meet the goals of the intended conference. If the parties need assistance with scheduling a multi-party videoconference, they shall contact the chambers of the undersigned magistrate judge.

7) If any party chooses to travel to an interviewee located more than 150 miles from Omaha to conduct the interview in person, that party shall bear all additional costs incurred as a result of performing the interview in person, including the opposing party’s attorney fees (as to one attorney only) incurred during travel and the travel costs for that attorney to personally attend the interview. If the interviewee travels more than 30 miles to be personally interviewed at one party’s demand or request, the party demanding or requesting the personal interview shall pay the interviewee’s travel costs.

8) The parties shall cooperate with their selected expert to insure that once the interviews are complete, the expert has the information needed to collect and search the parties’ electronically stored information.

May 30, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge